

MINUTES OF THE MEETING  
OF THE  
CITY PLAN COMMISSION

TUESDAY, November 4, 2014

The City Plan Commission held its regular meeting on Tuesday, November 4, 2014 in the Council Chambers on the 26<sup>th</sup> Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman
Rev. Stan Archie	Member
Mr. Enrique Gutierrez	Member
Ms. Margaret J. May	Member
Ms. Bobbi Baker-Hughes	Member (left at 11:32)
Mr. Tim Van Zandt	Member (left at 11:38)

ABSENT

Mr. Jeff Krum	Vice Chair
Ms. Trish Martin	Member

ALSO PRESENT

Ms. Diane Binckley	Assistant Secretary
Mr. John Eckardt	Staff
Mr. Olofu Agbaji	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Tom Nguyen	Land Development
Mr. Bret Cox	Land Development

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Chairwoman Macy called the meeting to order at 9:13 A.M.

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**RE:** Case No. 11671-P-6

**APPLICANT:** Ronald O. Baldwin  
Staley Meadows, LLC  
8901 N. Brighton Avenue  
Kansas City, Missouri 64156

**AGENT:** Robert Parks  
Weiskirch & Parks Engineers Inc.  
111 N. Main Street, Suite 10  
Independence, Missouri 64050

**LOCATION:** Generally located on the south side of NE Shoal Creek Parkway  
and on both sides of N. Virginia Avenue.

**AREA:** Approximately 2 acres

**REQUESTS:** To consider approval of a final plan in District R-7.5 (Residential  
dash 7.5), to allow for landscaping and walking trails within the  
private open space tracts of Staley Meadows development.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Robert Parks, 111 N. Main, Independence, Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 11671-P-6 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall) prior to issuance of building permit showing:
  - a. Detailed fencing material for lots along all or a portion of those lots backing onto the parkway. The final plan shall include information on material, color, height, setback and type, including an elevation drawing of a section. If the developer is to permit no fencing along the parkway, the final plats and plans shall include a statement to that effect. Private restrictions shall also be included with the final plats. The plan may

specify an option to the individual owner as to whether the rear of a lot is to be fenced or landscaped; either must be done in accordance with a plan. Landscaping and/or fencing of all lots backing onto the parkway shall be coordinated in terms of materials, color, height, setback, and type.

- b. Additional evergreens as part of the plan.
- c. Additional number of overall plantings.
- d. The quantity of each tree.
- e. A detail of the proposed planting beds within the 100' KCP&L easement.
- f. Per Chapter 88-425-12, all landscaping plans must be sealed and certified by a registered landscape architect licensed in the State of Missouri.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: Krum, Martin

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**RE:** **Final Plat - SD 0763G, Pembroke Estates – Sixth Plat**

**APPLICANT:** Bob Wooldridge, Cambridge Homebuilders, LLC  
PO Box 901461  
Kansas City, MO 64190

**AGENT:** Shannon Buster, PE  
Lutjen, Inc.  
1301 Burlington, Suite 100  
Kansas City, Missouri 64116

**LOCATION:** Located along each side of proposed NE 92<sup>nd</sup> Street, north of N Montgall Avenue and N Chestnut Avenue

**AREA:** About 13.07 acres

**REQUEST:** To consider the approval of a final plat in District R-7.5 previously R-1a creating 38 single-family lots, private open space tracts and road right of way.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance off docket with one \$130.00 fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion that **SD 0763G be CONTINUED OFF DOCKET** with one \$130.00 fee (No Testimony – No Set Quorum).

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: Krum, Martin

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**RE:** Case No. 9689-P-1

**APPLICANT:** Shirley Maples Trust  
c/o Marvin Maples, Trustee  
5001 NW Cookingham Road  
Kansas City, MO 64164

**AGENT:** Patricia Jensen, Esq. c/o Elaine Bowers  
White Goss  
4510 Belleview Avenue, Ste. 300  
Kansas City, MO 66111

**OWNER/S:** Same as applicant

**LOCATION:** 5001 NW Cookingham Drive

**AREA:** 32.26 acres

**REQUESTS:** About 32.26 acres generally located at 5001 NW Cookingham Drive, to consider the approval of a Development Plan in District AG-R (Agricultural-Residential District) to allow for the owner's single family home, riding stables, storage buildings, outdoor storage area, and parking areas which are used in a business that pours concrete to form basements and foundations.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Ms. Patricia Jensen, White Goss Law Firm, 4510 Belleview; on behalf of Marvin Maples and his wife who owned the property and who lived on the property; as John indicated, Marvin Maples and his wife purchased the property and built their home in the mid-1980s and established all of the uses at that time and had been operating there with no issues. They believed there was an ex-employee who made the complaint to the City and that was how all arose. They visited with all of the adjacent neighbors that were notified because there were large acreages that were owned by 3 individuals and none of them had any objections to the issue; they explained that it would continue to be used in the same manner as it had been used for the past 20 years. As John stated, in addition to the home and the outdoor storage of contractor's equipment and all that really was were the forms that were used to pour residential basements that were stored there along with a

couple of the trucks that were used to lift those forms to the very job sites and there was the indoor horse riding stable and the outdoor horse riding stable. Mrs. Maples had a very big interest in horses and she was very protective of them.

They had discussed the application with Ms. Binckley and gone through all of the process; they went through the Development Review Committee and as John indicated, the one condition that was before them today required the dedication of a 30 foot wide easement to the city had never came up until she saw it in the staff report on Friday so it was quite a surprise. She emailed the staff a couple of times about the issue because they did not believe that condition had any reasonable relationship to the impact that would be generated by their use of the property which was both the residential use and the contractor's equipment. There were no customers that would come out to the property via a bike trail to look at their contractor's equipment or anything. In fact, until such time as that trail got constructed, she knew the Maples would be very concerned about the relationship of the trail to where their horses were kept because they wouldn't want people to be able to wander up on the property and view their horses or whatever because they wouldn't want to create any issues with the horses that they had.

That was the issue before them; she didn't believe it was legal to require the imposition of the condition given the uses that were being approved in the development plan and they would request approval of the plan without that condition; just because the City had a plan for needing a trail or a road someday in the future, did not mean they could impose that on every plan that came in front of them; the condition would require almost a dedication of an acre of their 32 acres. They would request approval of the plan without that condition.

Chairwoman Macy asked John to respond to Patricia's comment about not being legal to impose the condition.

Mr. Eckardt stated that the condition would had been imposed a number of years ago had the developer came forward then and they would had exercised the right of way dedication and all the other dedications that they had. If it was established based on the use, they probably wouldn't have a bike trail in no more than 25% of the locations that they did because it was a public use that they use bike trails it wasn't an individual use; like some people argue they should not have to pay school taxes if they didn't have children in schools.

Chairwoman Macy asked the other parts of the trail on 435 looks like an agricultural use; so when would they come forth for those would it be another development plan come through or if they wanted to put it in before a development plan.

Mr. Eckardt stated there was a lot of large acreage; one had to assume that sometime in the future if they were going to have standard development occurring the City would request and impose the extension of water main, sewage and easements, etc. When all of those areas, they weren't in the development path yet, but when they were they would be required.

Commissioner May asked if it was a public works request.

Mr. Wei Sun stated he didn't have any comments regarding the trail along 435.

Chairwoman Macy asked if there was a plan set forth for that.

Mr. Sun stated he was not aware of it.

Ms. Binckley stated there was a park trail plan for the entire City; that had been a location identified on that plan as a future trail location.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Ms. Jensen stated she had a couple of comments in response; John stated that if they had come forward years ago they would have been imposed with the condition; that would have been an issue years ago; she still did not believe that legally this condition could be imposed. He also stated that because there was a city plan that said they were going to put a trail there someday, that was a public use and therefore they could require that when any development plan came before them. That was not the case; yes, it may be a public use, but it was only something that could be imposed when their uses were going to generate the impact that was needed for the bike trail. That was why they had all of those court cases that said you couldn't impose unreasonable conditions on one single property owner because it was a city plan it was something that all of the tax payers of the city should bear not one person, individually, just because their property happened to be in the area that trail would be located. It was much easier when they had plans coming forward and they had the need for water and sewers and it was easier for the City to draw that need to that individual plan. It was tougher in terms of bike trails and other things like that. There had been many bike trail cases that the courts had said they couldn't impose those; there was a Supreme Court case on a plumbing store that said they couldn't do that because there was nobody going to come to a plumbing store to carry out plumbing equipment on a bike; it was the same type of thing there.

Chairwoman Macy asked Ms. Moran to respond to Ms. Jensen's testimony.

Ms. Maggie Moran stated she couldn't generate or provide response there.

Chairwoman Macy asked if they needed to go into closed session.

Ms. Moran stated yes.

Commissioner Archie moved and Commissioner May seconded the motion to go into closed session pursuant to Section 610.021 (1), RSMO.

Motion carried 6-0.

Voting Aye: May, Gutierrez, Archie, Baker-Hughes, Van Zandt and Macy

Closed Session began at 9:36 a.m.

Commissioner Archie moved and Commissioner Baker-Hughes moved to return to regular session.

Motion carried 6-0.

Voting Aye: May, Gutierrez, Archie, Baker-Hughes, Van Zandt and Macy

Commissioners returned to regular session at 9:40 a.m.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 9689-P-1 WITHOUT CONDITIONS.**

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: Krum, Martin

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**RE:** Case No. 14514-SU

**APPLICANT:** James Sullivan  
Sullivan Palmer Architects  
8621 Johnson Dr  
Merriam, KS 66202

**OWNER:** Vietnam Buddhist Association  
5009 NE Chouteau Trfy  
Kansas City, MO 64119

**LOCATION:** Generally located at 5090 Chouteau Trafficway.

**REQUESTS:** To consider approval of a special use permit in District B1-1 (Neighborhood Business (dash 1)) and District R-6 (Residential 6) to allow for 7,300 square foot addition to an existing religious assembly use and any necessary variances.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance to the November 18, 2014 meeting date without fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **Case No. 14514-SU be CONTINUED** to the November 18, 2014 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: Krum, Martin

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**RE:** a) **Case No. 12908-P-1**  
b) **Case No. 12908-P-2**

**APPLICANT:** Denny Pedersen  
Manchester Transfer, LLC  
7801 E. Truman Road  
Kansas City, MO 64129

**OWNER:** Manchester Transfer, LLC  
7801 E. Truman Road  
Kansas City, MO 64129

**AGENT:** Ian McDonald  
Polsinelli, PC  
900 W. 48<sup>th</sup> Place, Suite 900  
Kansas City, MO 64112

**LOCATION:** **7801 E. Truman Road** - Generally located at the southeast corner of E. Truman Road and Manchester Trafficway.

**AREA:** About 6 acre.

**ZONING:** M1-5 (Manufacturing 1 dash 5).

**REQUESTS:** a) **Case No. 12908-P-1** - To consider the request to rezone the 6 acre tract of land from District M1-5 (Manufacturing 1 dash 5) to District M4-1 (Manufacturing 4 dash 1).  
  
b) **Case No. 12908-P-2** – To consider approval of a development plan in District M4-1 (Manufacturing 4 dash 1), to renew and expand an existing Conditional Use Permit allowing the existing waste transfer operations to continue at this location.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy asked how long is the special use permit for this is it another 5 years?

Mr. Agbaji answered it was for 2 years.

Chairwoman Macy asked if there was a reason it was changed from 5 to 2.

Mr. Agbaji answered if the Commission wanted to use it as a benchmark to see if there were any complaints or any issue of operation at that location that would be fine.

Ms. Binckley stated it was a special use permit; the Commission could approve it for 2 years, 5 years or indefinitely and then if there was a problem they would be back and reviewed.

Chairwoman Macy asked to hear from the applicant.

Mr. Ian McDonald, Posenelli Law Firm representing applicant, Chris Quinn; wanted to make sure their operation complied going forward at this point.

Mr. Quinn stated they were not looking to change their operations; they only handled construction demolition debris; they did not handle HazMat; they were permitted by the Missouri Department of Natural Resources as overseen by the EPA and were inspected regularly not looking to do anything different just wanting to be straight with the terms of statutes.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 12908-P-1 WITHOUT CONDITION.**

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: Krum, Martin

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 12908-P-2 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That five (5) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall) prior to ordinance request showing:
  - a. Employee and customer parking.
  - b. All proposed surface conditions, especially in the area of the demolished building.
  - c. The limits of the 100-year floodplain on the development plan.
  - d. Label all drive entrances, sidewalks, curbs, and gutters as they exist adjacent to

project frontage. Show and label proposed drives, sidewalks, curbs, and gutters to be removed and replaced due to substandard condition or modification.

**2. *Conditions 2. Through 6. per City Planning & Development, Development Management Division (Olofu Agbaji, [Olofu.Agbaji@kcmo.org](mailto:Olofu.Agbaji@kcmo.org))***

3. That all waste materials shall be stored completely within the enclosed structure;
4. That waste material processed on the site shall exclude:
  - a. Liquid wastes of any kind
  - b. Food wastes of any kind
  - c. Wastes that have odor
  - d. Wastes that could in any way become food for vermin or bird.
5. That all exterior areas of the site are kept free from trash, debris, and litter; and,
6. The developer update the submitted plan to provide all the required information by Chapter 88-380-02 in its entirety prior to ordinance request.
7. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
- 8. *Conditions 7. & 8. per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))***
9. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division for any building expansion.
10. The developer must submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: Krum, Martin

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**RE:**                   a)    **Case No. 225-S-24**  
                          b)    **Case No. 14482-P**  
                          c)    **Case No. 14482-P-1**

**APPLICANT/ AGENT:**   Doug Ubben, Jr.  
                                  Phelps Engineering, Inc.  
                                  1270 N. Winchester  
                                  Olathe, KS 66061

**OWNER:**                   Ollie Gates  
                                  O. G. Investments  
                                  4621 Paseo  
                                  Kansas City, MO 64110

**AGENT:**                   Doug Ubben, Jr.  
                                  Phelps Engineering, Inc.  
                                  1270 N. Winchester  
                                  Olathe, KS 66061

**LOCATION:**               Generally located on the north side of Emanuel Cleaver II  
                                  Boulevard, between Forest Avenue and Tracy Avenue.

**AREA:**                    Approximately 1.7 acres

**REQUESTS:**           a)    **Case No. 225-S-24** – A request to amend the Midtown Plaza Area  
                                  Plan (Oak Park South & Plaza Urban Design and Development  
                                  Plan), on about 0.80 acre tract of land, generally located on the east  
                                  side of Forest Avenue, north of Emanuel Cleaver II Boulevard, by  
                                  changing the recommended land use from Low Density Residential  
                                  to Retail Commercial.

                              b)    **Case No. 14482-P** – To consider a request to rezone about 1.7  
                                  acre, from Districts R-1.5 (Residential dash 1.5), B3-2  
                                  (Community Business 3 dash 2) and B4-5 (Heavy Business/  
                                  Commercial 4 dash 5) to District B2-1 (Neighborhood Business 2  
                                  dash 1).

                              c)    **Case No. 14482-P-1** – To consider approval of a development plan  
                                  on about 1.7 acres, in District B2-1 (Neighborhood Business 2  
                                  dash 1), to allow for a 4,406 square foot restaurant with a drive-  
                                  through.

Commissioner May recused herself.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy asked if the issues of the signage, the trash enclosure and the retaining wall were they in the conditions.

Mr. Agbaji responded yes.

Commissioner Archie asked about the retaining wall; where it stopped, what was behind the part where he wanted to extend.

Mr. Agbaji responded it just sloped down; what he wanted for the wall was to actually have plantings, shrubs to create a solid screening.

Chairwoman Macy asked to hear from the applicant.

Mr. Mark Bryant, White Goss Law Firm at 4510 Belleview, Kansas City, Missouri and represented the owner, Ollie Gates and McDonalds. They would like them to know that all of the staff's recommendations and revisions had been incorporated into the plan; the applicant did not disagree with any conditions and agreed to them all.

With respect to Mr. Gates, he was one of Kansas City's respected restaurateurs particularly in the urban core. He had a history of acquiring everything around his restaurants; thus with respect at 12<sup>th</sup> & Brooklyn Mr. Gates owned everything between Prospect and Paseo on 12<sup>th</sup> Street. The same is true with respect with his restaurant at 1325 Emmanuel Cleaver Boulevard; Mr. Gates owned everything between Troost and Paseo. With him were two representatives of McDonalds, one was Howard Johnson; also Doug Ubben who was with Phelps Engineering. Mr. Gates had asked him to come to let them know that a considerable amount of time and energy had been devoted to the project and it was extremely important not only to his development but to all Kansas City. Historically, there had been a racial divide along Troost and the project had been his lifelong dream to erase that in that area and to make everyone feel comfortable to come east on Emanuel Cleaver Boulevard thus he had invested a considerable amount of money in making the development in that area to break that divide. McDonalds would like to construct a restaurant and it has agreed to all of the recommendations, all of the conditions and everything that staff has asked both at the Development Review Committee hearing and since.

There were many people, some in the neighborhood that were concerned. They wanted them to know that McDonalds has had not less than 4 meetings; the first occurred on June 13<sup>th</sup> following notification that was required by law to the property owners within 300 feet; that meeting was attended by two members of the City Council, the Gates' broker and some of the neighbors. In addition, there had been 3 other meetings in October; the 2<sup>nd</sup>, 7<sup>th</sup> and 15<sup>th</sup>. They had prepared a synopsis of those meetings and would ask their permission to distribute a memorandum of a summary of what had occurred.

Chairwoman Macy asked what he thought the stumbling blocks were.

Mr. Bryant stated the neighborhood preferred a different building orientation. The building that had been recommended by staff and recommended by McDonalds and the property owner was a north/south orientation; the neighborhood would prefer an east/west orientation. In summary, McDonalds' preference was (1) they wanted the front of the store affronting on Emanuel Cleaver Boulevard that was their request, the Park Department's request and staff's request. The second thing was they didn't think the building ought to be within 5 feet of the setbacks and that close to the street. They thought it needed to be further back and it needed to comply with the Code and that too was what McDonalds would like to see. They believed an escape route was extremely important to their customers; that when a customer drove through a McDonald's restaurant they should have the ability to get out of line and to leave if they should change their mind, they should not be trapped in a drive through lane. Further, they had to have a pull up area where if a customer came and the order was delayed they could pull up and then the attendants could run out and provide the food and not hold up the line. Those were the kinds of experience that McDonald had gained after building some 34,529 restaurants in the United States and they were there today to suggest, that when they said they needed those things in order for the store to operate efficiently their opinion was entitled to consideration too.

Chairwoman Macy opened up the discussion to the audience.

Mr. Seth Hunter, President of Historic Manheim Park the community in which the project was being proposed; from the onset he wanted to be clear that they did not oppose McDonalds simply what he had asked for was for them to take into consideration the aspirations and requests from their community and to build the store that was consistent with the surrounding area. On the recommendations of their community and surrounding communities they were asking from this Commission that the request not be approved by also to support a later issue that would come up later today on the Agenda and that was the Troost Overlay.

In Manheim Park they had had the opportunity to work with several developers to develop the Bancroft School which was a \$14 million repurposing of a school that was in the heart of their community. They were not approaching conversations with the idea that they were going to get everything that they were requesting; but after several meetings that they had with McDonalds they were not seeing flexibility to consider the requests from their community and those were the folks that would be most affected if the plan went forth and was built in a way that was inconsistent with other structures that were on that street.

He was suggesting that McDonalds sit at the negotiating table and work out solutions with them to move it forward as a community that would stand behind it and actually support the project; they were requesting that the proposal not be approved; especially with the rezoning of residential lots to push commercial into residential areas.

The developer had not really shown a commitment to negotiating; it had been "there was their, plan take it or leave it." They were not opposed to McDonalds, they were not opposed to commercial development; but the proposal before them today was not consistent with any of the

other structures on that street and essence it would push commercial development so deep into our their community.

Ms. Elaina Parrish, 4107 Forest Avenue, Kansas City, Missouri; as far as placement the north/south placement was a good idea because she personally hated the fact the Burger King and Taco Bell ran east/west and being trapped; she had been robbed in the Taco Bell line because she couldn't get out; she preferred they took that into consideration.

Mr. Matthew Nugent stated he thought that the public process hadn't been fully addressed there were concerns that the neighborhood had that hadn't been adequately addressed; and second the land use; Emanuel Cleaver and Troost was a major transit hub; and he thought seeing a suburban style development in that spot that design didn't fully address the fact that there were other ways to get to the site than by car. What he wanted to ask was to have them come to the community and negotiate again; it was all doable, they were all reasonable things that the community was asking for but they did to be talked about again.

Chairwoman Macy asked about the pedestrian activity in Mr. Agbaji report where did that change on the plan; he had a cross walk, where to Cleaver Boulevard was there pedestrian activity.

Mr. Agbaji responded it would be anywhere from the main entrance to Tracy and also provided something that went from Forest up to Emanuel Cleaver Blvd.

Commissioner Archie asked that when he said "send it back" was he asking to continue the case or was he saying "deny the case"; what his request was.

Mr. Nugent stated he was just following on what Seth Hunter said; whatever process that needed to happen in order for McDonalds to come back and negotiate more with Manheim Park would be the solution.

Chairwoman Macy stated they have had 4 meetings; they usually requested at least one so was it his belief that more meetings were needed to reach some sort of negotiation.

Mr. Nugent answered he thought that was up to McDonalds and Manheim.

Mr. William Pinks resident of Manheim Park; McDonalds was not willing to work with their neighborhood; he had a plan that McDonalds had another store over on Roe, that plan was exactly what they had expressed to them since October 2<sup>nd</sup>; just move the store closer to the street as they were doing over on Roe right now.

Chairwoman Macy stated she would like Ms. Binckley to address a couple of concerns; one was that the setback was driven by staff and not McDonalds and Parks and Rec; could she or Mr. Agbaji elaborate on the setback.

Mr. Agbaji stated that the nature of the submittal they had parking on the southern side; and Park and Rec had requested that they provide the 10 foot separation; the Code also required 10 foot setback.

Mr. Binckley stated the 10 foot setback was for vehicular use; so anywhere there was a drive or parking. The Code did not require any setback for the actual building. The building could come up to the right of way line; but clearly it was the drive way that was requiring the setback.

Mr. Chip (unclear), Sr.; he highly recommended building in that area it was beautiful; he was concerned about the employees; how many personnel would be employed there and what was the procedure for hiring; he knew in the community there were lots of people that were looking for jobs, needed jobs and he would like to see which way they were planning on answering that part of the community and getting ready for employment with prior training, etc.

Mr. Dean Kennedy, 4534; he was in favor of the McDonalds being built there; it was a win/win for the neighborhood, it took the blight, the empty lot, there would be business for the Chiefs and Royals games; it was a good idea for the neighborhood. Everybody knew that when McDonalds builds they build, the building was number one and nice.

Mr. Howard Johnson, area project manager from McDonalds Corporation; been with the company 7 years and his regions were the Heartland Region that covered the states of Kansas, Missouri, a few stores in Oklahoma, Nebraska and Illinois. He would say that the building was their latest and greatest building that they had; it was high efficiency and it was a beautiful building and they were proud of the building. They would have an owner/operator that would own this building; and he would actually go out and train employees, the hiring, etc. They hadn't got to that point yet, but they were really close to it. They were excited about the area and looked forward to building; they thought out a lot of different designs and he would have Doug speak on that. They didn't like customers getting trapped; they felt that that was their best foot forward.

Mr. Doug Ubben with Phelps Engineering; speaking to the site they thought that it was their best foot forward; what looked best for McDonalds and what looked best for the City and Manheim and Emanuel Cleaver Boulevard. They did look at alternate options looking at turning the building west; then the building east toward Tracy you would be looking at the drive through windows and they didn't feel that was a good look. (He showed alternate sketches; and explained the various entrances, drive through, parking, etc.) They considered those, but they liked the one that they had today; they put it as close to Emanuel Cleaver as the neighborhood would like, but they wanted to stay away from the right of way so they could have the drive through.

Commissioner Archie stated he hadn't seen or didn't see the model that was proposed; but it sounded like the neighborhood was saying you met with them, you did some sketches but you really didn't accommodate for anything they asked for; they weren't expecting everything, but they were expecting some things. He wanted to know where the balance was.

Mr. Bryant answered that they didn't want to leave them with the impression that none of the neighborhood concerns were addressed; in the initial plan, the storm water detention facility was

above ground and as a result of the neighborhood concerns it was now underground at greater expense to McDonalds. The neighborhood expressed concerns about the number of residences that would be included in the area that was rezoned and asked if that area be reduced; that area was reduced in response to their concerns. They did make an effort to address their concerns and changes were made; it was simply that all changes could not be made and in particular, the different orientation of the building could not be accommodated and to have all of the things that were necessary in order for a drive through restaurant to be successful. Sixty-five to 75% of the people who would patronize the restaurant were drive through customers and so it was extremely important that building be oriented so that they could have the escape line, they could have the pull up area, so the drive flow within that area was conducive to the efficient service for their customers.

Commissioner Archie stated that he understood what he was saying statistically, some of the concerns were that the east/west was being ignored; did the model or was there a model that offered an opportunity to get what they want and not close the door to the east/west model; it sounded like that the gentleman made a suggestion that there was a model that fit.

Chairwoman Macy stated she thought that building was moving on a north/south but closer to the frontage; she didn't think it was east/west.

Mr. Agbaji stated there were two issues; one was moving the building all the way to the property line or as close to the property line as possible and the second one would be orienting the building east/west.

Chairwoman Macy stated okay let's address those two issues; if they were to move the building closer to the property line/Emanuel Cleaver and keep the north/south alignment they would lose the drive through orientation to drive around the front of the building.

Mr. Ubben stated that was correct; they would have people coming out of the drive through and not being able to exit to get out; they had 18 vendors that had to come onto the site to bring supplies and food; they would also need to make sure they had a route out of the store and off the property.

Commissioner Archie asked if he was familiar with the proposal on Roe Blvd.

Mr. Ubben stated yes.

Chairwoman Macy asked if it came close into cut off that passage way.

Commissioner Archie asked for him to tell the difference between the two.

Mr. Binckley stated what they had done, she had quickly looked at it, and they essentially had taken the same and moved it to the southwest up to the intersection of Forest and Cleaver. The difference was, those gentlemen were the one on Roe only allowed for one lane.

Commissioner Archie stated so what was lost was the escape lane.

Ms. Binckley stated yes; and it would essentially remove the parking spaces on the west side and eliminate the ability for two cars being able to pass. Maybe, there might be a middle ground or the need for a continuance, she saw a 22 foot drive by on the south side of the building which was excessive, and it was a one way and there was no parking through there; plus there was a 15 foot setback when only 10 was required by the City; they might bring that building further to the south to try to accommodate what the community was looking for, but still allow for the access they needed to be able to circle. Maybe they could continue it, they could work with it; staff could participate with some of the community members and the applicant to see if they could help push forward a design that everyone could agree on.

Chairwoman Macy asked how they felt about a continuance of the case; it sounded like they were still going with a north/south orientation but maybe moving it forward to achieve what they wanted as well as give some concessions to the neighbors.

Ms. Binckley stated she thought they could do that in a relative short period of time and make them available to try and get it moved along.

Mr. Bryant stated his client believed it must have a north/side orientation; it was a must. They could move the building up to within 18 feet; but that was as much as they would do and if that was not sufficient to accommodate the neighborhood.

Chairwoman Macy stated that sounded like that was some concession to be moving it; were they opened to a continuance now to the 18<sup>th</sup> or 12/2?

Mr. Bryant stated he would prefer to see it as a condition.

Chairwoman Macy stated she didn't think that was the suggestion of the staff; let's take a 5 minute break and they would continue in a moment while staff had an opportunity to talk about it.

Ms. Binckley stated she quickly went through with the applicant the idea that currently was shown on the plan was a 15 foot green space buffer with a 22 foot drive; the reason for the 15 foot was because of stacking; they could agree to an 18 foot drive aisle instead of a 22 foot; which would bring the building back 9 feet closer to Emanuel Cleaver. The residents weren't opposed to that but they were still concerned because they were still concerned because they felt like that they made agreements with the applicant and then it was not what was presented; they would still prefer to have a continuance so they could actually see the drawing and have that meeting to discuss it.

The other was on the elevations; what was being proposed was what Mr. Gates would like to see because he believed it fit in more with the Early American architecture that he started along in that area. The residents would like to continue to discussing a little bit further on the elevations; she thought that McDonalds was willing to agree to anything within reason.

Chairwoman Macy stated that she felt like concessions had been made; she was in favor of the north/south alignment; she thought the pedestrian track, the retaining wall and the landscaping and now it sounded like the actual finishes for the building were still going to be in discussion as it moved forward to Council and she was comfortable with staff working through this; she was ready to move forward.

Commissioner Archie stated he wanted some clarity on what Ms. Binckley stated; they had discussions with McDonalds before and because what was presented to them was different; they didn't trust to go forward.

Ms. Binckley stated she thought they had concerns.

Commissioner Archie asked if they would feel comfortable if it was documented as part of a condition.

Mr. Hunter wanted to clarify; what they were seeing there today was not the plan that was presented to them; they agreed on a store design that was much more consistent with the other structures across the street and was the design currently under construction on Roe; it was presented to them and they agreed to it and yes, what was being presented there was not that plan. They request it be continued so they could actually get firm commitments and the next time they came before them they would like to share comments against the plan but actually have a negotiation where we could actually come forward and support the plan.

Commissioner Archie stated that what was suggested by Chair that if they moved forward and continued on track, then there would be space to discuss elevations and things of that nature. What he was hearing was that he was not really confident that route worked.

Mr. Hunter answered no; because then the last meeting; so basically what they shared with McDonalds was not specific requests to say that the store must be positioned this way or that way; what they shared were principles and one of those principles they were talking about there today; that development must be consistent with structures on the street; other structures on the street were built much closer to the street. The plan today being presented did not reflect a true commitment and their confidence had been shaken there today.

Commissioner Archie stated he would be okay with a couple of weeks; he hadn't heard a reason why two weeks would be problematic to the process; if they had two weeks to work out the details. It was important that the neighborhood was heard and it sounded like there had been some discussion and some efforts on both parts and they were close enough they could make a difference; he would support a continuance.

Chairwoman Macy stated there sounded like there was a proposal for a continuance to November 18<sup>th</sup>.

Mr. Bryant stated they objected to the continuance; they had made not one, not two, but at least three efforts to compromise with the neighborhood and compromises had been incorporated. In part, their dilemma was that the target moved every time they meet. Looking at the synopsis

what the neighborhood was requesting was an east/west orientation; it wasn't so much that came closer as it was the east/west orientation. Now once again, McDonalds had agreed to everything that everybody had asked; and yet it was wanted to be continued again; it was not without consequence; it cost the developer and it cost McDonalds every time it is continued and they had been given reasonable assurance that it would be part of the conditions of moving forward. They wanted the approval.

Chairwoman Macy stated she was sympathetic to what he was saying; it did cost money. It sounded like though when they met with the neighbors they presented a different plan to them with a different concept even of exterior finishes and the plan presented today was different than what was presented at the meeting. Could he comment to that?

Mr. Ubben stated that Manheim went to the Rosedale community and they had a two-story building; they saw a building that was closer to the street. The two-story building was not McDonalds brand; McDonalds was not looking to build two-story buildings; there was more heating, more design; they had a single-story building. McDonalds was willing to change the arcade, either the efface or the stone or take off the metal at the top and put brick all the way to the top; even to design the color of the brick to what Mr. Gates had out there; that was not even a standard color for them but they were willing to make sure that the brick matched what Ollie Gates had on his other properties.

Commissioner Archie stated he thought what he was hearing from the president there, what they would like to see, whatever is concluded and whatever would be presented whether they liked it or disagreed with it or whatever and everybody was clear on what exactly would be presented. He hadn't heard the hardship of two weeks; he understood it costs money, however their objective was to come to a conclusion that McDonalds could use to be able to bring a benefit to the community and at the same time the community could live with; that was what they were after.

Chairwoman Macy stated and when they gave a continuance if that was what happened, that it had to do with keeping in alignment as a north/south alignment; it sounded like they were moving it a little further as Ms. Binckley described; there were some issues as to what the exterior would look like and then show more of pedestrian crossings were going to be. There was nothing with realignment or a two-story of an east/west; it would be updating the current plan to show those concerns; and moving the trash enclosure and updating the retaining wall; there was like 5 issues.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **CONTINUE** this matter to the November 18, 2014 meeting date without fee (**With Testimony – Quorum Set: Gutierrez, Archie, Baker-Hughes, Van Zandt and Macy**).

Motion carried 5-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Van Zandt and Macy
VOTING NAY:	None
RECUSED:	May

ABSENT: Krum, Martin

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**RE:** Case No. 14516-P

**APPLICANT:** City of Kansas City  
414 E 12<sup>th</sup> Street  
Kansas City, MO 64106

**NEIGHBORHOOD**

**ASSOC** Hyde Park  
**ADVOCATES:** Squire Park  
Manheim,  
Longfellow  
Center City  
Beacon Hill

**LOCATION:** Generally the area for the overlay includes the Troost Corridor from 22nd Street on the north, to Volker Boulevard/Swope Parkway on the south, and one half block east and west of Troost Avenue including complete existing parcel depth.

**REQUESTS:** To consider approval of a Special Character Overlay District for the Troost Corridor.

Ms. Diane Binckley, Assistant Secretary, presented the staff report and stated that staff recommended approval for reasons presented in the staff report; Mr. Matt Nugent and Mr. Spark Bookheart was there to present.

Mr. Nugent stated that it came out of the Troost Corridor Study that was completed last year; at the end of that study the people who were heavily involved in that process were really left with the question what now and how do they make it happen; they liked the vision in the study but they needed to move it forward somehow. It was recommended then that they work to create a special character overlay district for Troost, zoning overlay would be a good way to start working toward some of the recommendations in that Plan. There were maybe 20 people who were interested and out of that group there was a working group of about 10 representing neighborhoods from Viaduct to the Creek; Beacon Hill, Longfellow, Hyde Park, Center City, Manheim and Squire Park. Weekend meetings with City staff and Jeff Williams and really starting to crack the overlay; they began last year almost as soon as the Plan was passed. Over the course of the year they met with staff and started to get down to the Nitti-gritty of the uses that they saw on Troost what they thought would be good for Troost, what they needed out, things like that. Once they felt they had a draft document they went back to their neighborhoods and local businesses and asked what they thought and asked if there were things that were missing and basically where they saw Troost in 20, 30, 50-years and did it reflect what their vision of Troost was. They spent most of the spring and summer meeting with various neighborhoods and started getting wide-spread community support. Once that process was completed, they started working on the language and that brought them to where they were. It had been an unprecedented community-level effort; an ad-hock group of residents representing

neighborhoods up and down Troost. He was very proud with what they had there and the work that had gone into it.

Ms. Binckley stated she had 26 support letters; the people she had spoken to on the phone after explaining what it meant were in support of it. The next phase was to go into the design guidelines if it was approved; this is the first initial piece, let's get this started and protect it from the use stand point, but there will be design guidelines, like no metal buildings, etc. and maintain the character along Troost.

Mr. Spark Bookhart wanted to give a special thanks to the staff who became their go-to person and expert on the process. What he was proud to say was it had been 100% community-driven process. It wasn't done by developers, planners or anything like it; it was a result of people who had been participating with thousands of hours and planning on Troost and wanted to see something done. They were all 100% volunteers in the effort; they tried to reach out to everyone up and down Troost, but definitely talked to all of neighborhoods; it is hard to contact everyone so he didn't know if they talked to each and every person, but everyone they talked to, once they realized what it was they were trying to do were very supportive. Coming out of all of the planning one thing they realized they could not get any sustainable development or continuous plan on Troost if they did not restrict the wild-wild-west opening zoning that they currently had on Troost; they couldn't even attract new investment because of one area of Troost they didn't have any understanding of what would happen to the north and south because of the opening zoning now. It was the first official step that was a culmination of planning hours put in by ordinary average everyday community members and everyone that had come out to learn more about the process he really enjoyed them enduring the process for this.

Mr. Nugent stated one thing he would like to point out, when they got into the individual uses going through the Table, first as a group and then in their neighborhoods, they were extremely deliberate and careful to think about what they didn't want versus something that they didn't understand right now or something they could see a future for on Troost; they calibrated the document very carefully that if they didn't understand how it might fit in or if they thought there might be a future use, or if they didn't feel strongly one way or the other they would leave it for a special use permit, just so the neighborhoods would have a review on it later on. They felt like it important to leave the document as flexible as possible, especially in the areas they felt like they didn't have a crystal ball and couldn't see the future.

Chairwoman Macy opened up the discussion to the audience.

Ms. Elaine Parris, 4107 Forest Ave.; one her first concerns was that she had heard about community outreach, when did it happen? She had lived here for 20 years and owned it for 4 and the letter she received in the past week one/half was the first time she had ever heard about a project.

Mr. Bookhart stated they used the organized neighborhood associations along Troost; and the neighborhoods mentioned before were the primary associations they used to go through this process; they knew that they didn't have the capacity to knock on every single door on Troost and the City did have the capacity to send a letter to all of those people and the letter, while

important, the letter really didn't explain the process; if he hadn't been involved and just read the letter he wouldn't understand either.

Chairwoman Macy reminded her that it wouldn't go to the individual homes; it went to Home's Associations and then they would distribute it to the members; what Homes Association did she live in?

Ms. Parris answered she lived in Manheim.

Chairwoman Macy stated she probably should go back to the Board of Directors and inquire with them about it; let them know that it happened, she received the letter and she would like to be informed as it moved forward because it sounded like they were moving forward with design guidelines next and she might be interested in learning about.

Mr. Bookhart stated that it wasn't over; they wanted her involved and he was glad she got the letter and it raised some concerns and that was exactly what they wanted this process to be open to everyone along Troost; even today, if they exchanged information and they would get her involved in the process it wasn't exclusive at all.

Ms. Parris asked so it wasn't a development project it was to change the zoning, correct so there won't be any more adult stores, etc. How did that affect the Mom and Pop shops?

Mr. Bookhart stated that was what they wanted to encourage more organically locally owned businesses and they wanted those to be on a level playing field with a million dollar corporation that would come in.

Mr. George Jones, a member of (inaudible) Islamic Center, 3764 Troost; they occupied 4 pieces of property; they became owners in 1992 so they had been property owners for the last 22 years; all four properties were free and clear. They represented a community of Muslim-Americans and they were one of 9 worship centers on Troost from 27<sup>th</sup> to 22<sup>nd</sup> Street; they had not any involvement in the process. They had not had any input in the process; back 10 years ago they were founders of the Troost Corridor, then neighborhood association that first formed; to which the group that was approaching them today, he believed a new formation; his point there today was to say that the impact of it may be favorable they just hadn't had any input and they had heard most of the concerns had come from the residents many of them didn't live on Troost; they occupied Troost. Secondly, business interests were also a secondary concern; but he had heard no concerns from the religious community; their religious community not only represented their worship center there, but they had a community activity center there and they had a food pantry there and they had a weekend school there; so he thought their input and their influence with this group approaching the Commission that they certainly deserved to have some input in it. He would welcome the opportunity for decisions being made on approval to be deferred until all positions such as worship centers made sure they did have input because they were in the area throughout the week and their activities were there and they had made it a point to be good citizens of the area.

Mr. Bookhart stated he appreciated the Islamic Center being there and expressing their voice and that was the engagement that they were exactly wanting in the process going forward. It would in no way affect the Islamic Center or any of the other religious institutions along Troost; those institutions would carry on and continue to serve the public and their membership just like they always had; it was definitely not a restriction on them. Honestly, it was running on two tracks; one by the residents and the other by the businesses; he could say they didn't make a concerted effort to talk to every religious institution on the Corridor primarily because they knew and were confident that it would not affect them in any way. They wanted Troost to be the right type for sustainable development and not just a throw away zone for undesirable development.

Commissioner May stated that looking at the chart that had been annotated with the things that they didn't want and some would require some special application; she noticed on page 1 of 4 that religious assemblies was not one of the things that had an annotation so she thought from that stand point that there wasn't anything to prohibit religious assembly in any way. Further, go into more detail about the purpose of what they were doing today; she thought it might be a part of some of the comments they heard that people did not understand exactly what it was going to do; and to say further, it was to say to facilitate more community involvement and an opportunity since all of those notices were sent out that people become aware of the opportunity to become involved.

Mr. Bookhart stated right, it was not a project or plan, what would be approved today would be a tool and he knew the letter had a lot of planner-ese that regular folks would have to struggle with the understanding. When he was asked to give a layman's version, he described it as Troost as being a bunch of individually owned parcels; and those parcels was open zoning and what was allowed, i.e. adult centers, pawn shops, etc. pretty much anything could go there. What they wanted to do was to try and restrict what could go there so that they could develop Troost in a sustainable way; the problem was every parcel couldn't be rezoned; it was impossible to do; What the tool did was to lay a blanket on top of Troost and what happened was that blanket said that the community including the residents and businesses on Troost could have a say of what went on under the blanket. They wanted everyone involved that lived and worked involved in the process.

Commissioner Archie what he was hearing him say was that their voice wasn't there; he thought that it was important, no matter how many explanations are given their voice still wasn't there. The way Troost was planned with the assumption that coordination would not take place; they could do whatever they wanted without any respect for your neighbors at all; the plan did not create a development and what it said now, was that now they had to talk in order for things to happen along the corridor. It was favorable to religious organizations and to everybody because now the conversation must include you because the overlay laid out the direction to go and anything that came in and was opposed to that would require coming to the table and having a conversation.

Mr. Jones stated but their voice had not been heard; nor any of the other religious organizations; and he thought that as community organizations religious organizations should be included. And the overlay might be good, but they hadn't had any input in its planning or its decision making

process; he was still asking for a deferral of the decision until groups such as theirs were included and had a chance to get in on the discussion.

Ms. Binckley stated that she received phone calls from other religious organizations asking about it and when explained they were comfortable with it and supportive of it. She would also suggest, and she just spoke with Matt on the side, and they were very willing to sit down and meet with and invite all of those folks before they would go on to City Council and make sure they understood and were aware that it was truly a document that was only going to support them.

Ms. Opiah Lake, 3917 Troost Avenue and had lived there for the past 17-years; she was also a member of the Historic Manheim Park Association. She wanted to say a few things and ask a couple of questions; the first that anyone could really disagree with what they had as a purpose and would like to see generally in the community, but she thought there were many specific things that needed to be addressed. The first one was that she had to reiterate what the first two speakers were asking; the word “neighborhood” and “community” had been thrown about very loosely; she was not approached. The first time she heard about the whole idea was from the letter about the meeting today; people had said they had walked up and down Troost or around Troost to talk to neighbors, she was very easy to find; no one had talked to her. When she called about the particular meeting today, she learned there was a meeting on October 30<sup>th</sup> and she didn’t know about that meeting until she phoned and it was a day before the 30<sup>th</sup>.

Chairwoman Macy asked if she had talked to her Board of Directors of her Home’s Association about that.

Ms. Lake stated, excuse her; first of all, she wanted to say too that it seemed like that the Committee there had already decided that the plan should go; and by her question just now.

Chairwoman Macy stated no she was just curious; through them, they were volunteers too they were not paid to sit up there; they always asked if the neighborhood had been contacted, that was the first question they asked when any plan came before them; but it was hard to get the message out to the community, and they relied on the Home’s Associations to distribute that information. They always ask if they heard from their Home’s Association because if not, they directed the staff to go back and ask because that was their outlet to get information out to the community.

Ms. Lake said it was curious that this Body there had already decided, and she was concerned about that. In terms of her community organization she thought that some decisions were made by them without the input of community members and that’s a problem. She thought that there needed to be some avenue to make that possible.

In terms of specific concerns, the document there, the legends were color coded but the report was printed in black and white and some things were difficult to see and to approve one way or the other because it was difficult to follow because they couldn’t see what the color codes were. But some specific things, the items outlined as the used group/categories, she strongly felt that they needed to be more clearly defined; for example, Business Services, Day Vagrant Employment Agencies, was a dark color, she thought red, was something that would no longer

be allowed. She needed further definition of Day Labor Employment Agency, she personally was an urban farmer and trying to be a real estate developer and if she knew where it was she would go there and try to find a day laborer; so that was something she wouldn't want eliminated, but she was not sure that was what it said because it wasn't outlined clearly enough.

Another thing, under Agriculture also in those dark fonts which she was not sure what they were, but she was assuming they were red; and again she was not sure if that was saying that was no longer going to be allowed and she was not sure what agriculture crop vs. agriculture urban, what the difference was between those two and she needed clarification on that as well as every other category on there. She would suggest, in general, that they table this until they could get some of those things that she had brought up as well as some other people had stated today.

Chairwoman Macy stated that in order to get her the information regarding what was going on, she could certainly submit her contact information to those two community volunteers there or to Diane; but just know that how they get information to her was through her Home's Association. Did she get information/notification from her Home's Association; she would go back and talk to her Board about that.

Ms. Lake stated that's fine, but the letter just came out recently; she didn't know about other community organizations but their general organization meets once per month.

Chairwoman Macy stated that the breakdown in community there was that they wouldn't send a letter out traditionally only if you lived within so many feet of the proposed development; and it wasn't a development. If there was a project it would only come out within so many feet of the proposed area.

Mr. Bruce Walker, Pastor of Renewal Church of the Christ which was on 2829 Summit; but their church owned land over in the area that was talked about and he knew they were saying about the Home's Association can give notification; the only letter they received was sent to the church and he saw nothing wrong with the idea of zoning, he thought it was a great idea, but because they were a church with future plans to build, how would they reach out to them to get further information or for them to be involved as well so they could have a voice, so there wouldn't be shock by a letter; from their perspective, he supported he thought it was a great thing and wanted to help the community, his concern was the communication.

Chairwoman Macy stated that the whole reason they were there because it was a community, some people in his community cared about Troost and they wanted to do something there to help everybody in the community. It might have been spurred by Dollar General building a store that they didn't like, so they did the best they could there to try and engage and this was the beginning of the conversation and they were in no way saying that nobody else could be involved in the discussion; but they were there because they cared; they didn't hire consultants, the City didn't have the money to hire consultants, so they said they would go forth and do what they could do and they were there. She understood that people were frustrated because they got the letter from the City and it was scary getting a letter from the City, but please know that those guys just cared and they tried to do what they could; she thought it was great that there were people there testifying that they also cared and that was great to see on Troost having all of those

people there and would just add them to the communication bank. She just didn't want those guys to get discouraged because they might say, people were all frustrated and they were just trying to do a good deed. She wanted to make sure that they thanked them for everything they gave.

Commissioner Archie asked if it would be reasonable to continue it and have a meeting everyone, what your thoughts are.

Mr. Bookhart stated they preferred wider engagement, but they would look to the Committee to determine what was appropriate; they were not discouraged by the fact that everybody wasn't notified, they couldn't notify everybody; they had to do what they could with the resources they had which was why they utilized the neighborhood associations as a primary.

Commissioner Archie stated if they were saying if they should table it for a couple of weeks and have a conversation, then everybody who wanted that wouldn't have to get up and give their case.

Mr. Bookhart stated he thought that was true; but he didn't think they had a mechanism yet to do that without missing anyone; he would leave that to this Body to decide whether to continue it or move forward.

Commissioner May stated there were a couple of things; there was people there today that if they decided to do it at a later time, may not be able to come and the later time so she thought it would be appropriated for the people who wished to speak to be able to speak today; the second thing she disclosed that she hadn't been involved in the current planning process; but she was involved at the very beginning and one of the things that was said from day one was that they felt the need to be 100% inclusive even though they knew that was something that could never happen, just because of the fact you would never get 100% of the people, she had sat there listening to people making comments they weren't included and certainly had taken that seriously, but she was going back to what was said in the beginning that they knew when they started the process about 2 years ago with the fervent intent of making everyone aware, making sure that they were reaching out as broadly as they could do, that no matter what, they were going to at some point it would happen at some time. She thought it was a great opportunity today for those who were not involved now to become involved. For those who didn't know for which neighborhood they were a part of, get to know who they were part of; for the lady that spoke there the president of her association was sitting right down from her on the end of the row. Take the chance to connect with him and get the meeting schedule for the neighborhood organizations, each one of them needed to take the responsibility of trying to do what they could do to make sure the presidents on either side becomes aware of things going on. She commended the ones who were there who wanted to be involved to understand what was happening so she would support a continuance.

Ms. Kathryn Simmons, and had been a part of it for almost 3 years; and she would like to go down and they always regretted that they couldn't reach everyone but frankly, they could not. The City couldn't, the neighborhoods couldn't there was always going to be some cracks and she thought with any kind of continuance there still would be cracks in the floor again. But she

would like to go over what they had tried to do because they had very much tried to do it in the best way possible. They had worked with many various departments to get the process going and every neighborhood association and they took pride in it being unprecedented and it just wasn't along Troost they had worked. They took the approach that the surrounding neighborhoods of Troost needed a larger say in Troost because without it didn't become a part of the City they wished to see, it didn't become the future that had the sparkle in it; it became as before them down there battling another Dollar General building or another Pay Day Loan trying to open up or another liquor license inside an already existing grocery store. They had reached out as wide and as broad as they could; unfortunately, she didn't think there was a better mechanism except neighborhood associations for giving that kind of information. They were sorry if they didn't reach everyone, it just wasn't possible. They had a public meeting last week and hoped everyone could come to it and many did, and it was part of the process when the City puts up the notices. She would ask for their approval; instead of coming and stopping and start coming to encourage positive growth for Troost.

Another citizen, an elected committee man for Ward 2 representing 12,100 people; also a member of the Islamic Center on Troost; not there to be against anything but just to learn more; it seemed like the solution had already been given; the solution was very clear, all of them that was there today who just got the letter and wasn't a part of the initial process, all they had to do was give their information to the two gentlemen there and put together the next meeting to become involved. He would ask to table this for a week or so to allow that to happen.

Ms. Lee Barrowin, 4535 Rockhill Terrace; sometimes when things like this get approved, somewhere along the line in the future they begin to expand and grow; since he abutted it he was concerned that it could possibly happen in his particular case. He was a commercial real estate industrialist; when he looked at the value of property, he took into account the flexibility of uses for that property. So if a property with a potential use of 50 different things versus a property with only a potential of 10 different things; the value would be better having the more uses than the lesser uses. He thought this proposed idea there was a very basic element that had not been addressed and that was value. Under the proposal as he understood it, reducing or prohibiting certain uses that currently existed or in certain other cases on other properties was taking and changing the classifications from its present classification to a lower classification. He saw that as the removal of certain property rights; if he was an owner of a property on the Corridor and was to see how it was going to affect he would be losing some of the rights that he had invested in and get paid for than had been part of his property for one year, five years, 25 years, whatever and now they wanted to take that away from him. That in his mind was condemnation and he didn't see any offer of compensation for his rights being taken away which he thought was an important element that the group that was working on it and evaluating it had to take into consideration.

Ms. Vickie Notise, Notise & Associates, 1600 Genesis, Kansas City, Missouri; her firm was the planning consultant the lead one on the team that did two really important plans that had come through this hearing process; one was the Troost Corridor Plan that Diane mentioned and the second one was the Emanuel Cleaver Boulevard and Troost Redevelopment Plan that went through this approval and was going to the Council, the PZ&E Committee tomorrow. The top recommendation out of both of those plans which did involve 100s of people at both meetings

was to fix the open zoning problem along Troost. That was the best step that the City could ever take right now that wouldn't take years and it wouldn't cost money to enable positive redevelopment on those Corridors like Troost that have suffered through a lot of neglect and disinvestment because of the zoning category they were in which was an old category that allowed people to buy rights put in almost anything they wanted to do; all they had to do was get a building permit and the only issue about value and compensation was that there was no public hearing; none of those other people in the room would hear about any of those changes because the current zoning did not allow to have a public hearing on it. What it did, allowed an overlay that allowed a list of uses that would now need a special use permit or now could be told they were not appropriate in that zone anymore and to take the place of having a planned development on record so that everybody that buys property understood what the rules were and what could go in next to them. That was one of the most important things they could ever do; the other recommendations in both of those plans were little more long term and she would like to compliment the staff and the volunteers of the Troost Coalition to work out all of those details which were important. She would make one possible suggestion if it helped to keep it moving forward and yet if they were so inclined to approve it today wait before going to Council so they had an opportunity to get together and explain it and meet with people. There were always people who you couldn't get to; the public hearing was supposed to do that. It would seem it would be fair for everybody to talk about those issues before it went to Council.

Mr. Seth Hunter, Manheim President; he stated it was important to them to get information out to the neighborhoods; they had been having conversations about it at least 3 to 4 years; they cared passionately about Troost and its future and approving the request today was not the expiring point of which no one would be able to provide feedback; there were multi steps along the way and approving it would allow them to continue the important engagement with folks.

Ms. Alan Norman; he hadn't been a part of the conversation, but he was part of the ad hoc group that put together the first Troost Corridor Community Association and they had some planning efforts that cost somebody an awful lot of money; and the end of the result was basically that they could not continue to improve Troost more than what they did. They tore down buildings and picked up trash, etc. but they had to do something about the strip zoning that was in place now; that was the thing they ran into and it had been there ever since. It was good for the progress of the neighborhoods and the city.

(Name inaudible), 4421 Tracy; had been to a few association meetings and several times helped with the trash pickup with the community; but the meeting today he had never heard anything about it from the association or any flyers or anything in his door. It was important to get the message out there and not to wait.

Mr. Jim Wanser, Rockhill Homes Association; talked about the difficulties being in a leadership position and communication; it was very tough responsibilities and there would always be some that were missed. It was very exciting of something of that quality came along and would encourage the Commission to act upon it today.

DISCUSSION:

Chairwoman Macy stated it sounded like before it went to Planning and Zoning for sure, there needed to be more discussion with the people that attended today and then for them to get the message out as well to businesses and utilizing any other information; she said she was comfortable with passing it today and allowing the discussion to continue before it went to Council; it was a great thing for Troost and it no way hindered anything that was happening along Troost and would not stop anything from happening before it went to Council and she thought that actually would help and those people and would not have to take off work twice to come testify again there and then at Council.

Commissioner Gutierrez said he agreed; the sheet being passed around to get all the information of the people that had concerns or questions and would definitely be contacted before the next meeting; so he was also in favor of approving it today.

Commissioner Archie said his basis of agreement was the fact that people have not disagreed; they have said they didn't understand. He thought the process had allowed space for there to be understanding in between stopping points; so he didn't feel like it needed to be a stopping point and make plans to ensure the public and the stakeholders were involved and put in adjustments along the way.

Commissioner May would like to commend the volunteers there and others who had been involved in the planning process and encouraged them not to become discouraged and realize the powerful work they had done because one of the things they knew they needed was to have more people involved in the community and however they could incense that and apparently the issue today had done that and people wanted to be involved and be part of the discussion and she thought that was a markup in the win column. For the record, she would like to be assured that a meeting would be held and that every opportunity to get the word out to people would be done; she would like it in the meeting notes to say that since they had been specifically asked to defer; she just wanted to make sure for the record, there would be something public, some meeting that would be held at a specific time so people could get involved.

Chairwoman Macy stated they could make that as a condition of the approval.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 14516-P SUBJECT TO THE FOLLOWING ONE CONDITION:**

Motion carried 4-0

VOTING AYE:	Archie, Gutierrez, May, and Macy
VOTING NAY:	None
ABSENT:	Baker-Hughes, Krum, Martin and Van Zandt

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**Re:** Case No. 254-S-298

**Request:** Amending Chapter 88, the Zoning and Development Code, through revisions, clarifications, and other administrative changes throughout the chapter in accordance with the Zoning & Development Code periodic review

**Applicant/Sponsor:** Robert L. Langenkamp, AIPC, Director City Planning & Development  
Department and Assistant City Manager

Ms. Diane Binckley, Assistant Secretary, stated staff was recommending continuing this matter to the November 18, 2014 meeting date without fee.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **CONTINUE** this matter to the November 18, 2014 meeting date without fee (Without Testimony – No Set Quorum)

Motion carried 4-0

VOTING AYE: Archie, Gutierrez, May, and Macy  
VOTING NAY: None  
ABSENT: Baker-Hughes, Krum, Martin and Van Zandt

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**OTHER MATTERS:**

To approve the minutes of October 7, 2014 meeting;

Commissioner Archie moved and Commissioner May seconded the motion that the minutes for the October 7, 2014 meeting date be **APPROVED**.

Motion carried 4-0

VOTING AYE: Archie, Gutierrez, May, and Macy  
VOTING NAY: None  
ABSENT: Baker-Hughes, Krum, Martin and Van Zandt

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There being no further business, Chairwoman Macy adjourned the meeting at 12:44 p.m.

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Respectfully submitted,

Diane M. Binckley  
Assistant Secretary

APPROVED:

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Babette Macy, Chairwoman